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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 SHANNON BRUCE MORLEY,

8 Plaintiff,

9 v.

10 DIRECTOR McGRATH, MEDICAL
11 SUPERVISOR ORDAZ and NAPH
CARE MEDICAL DEPARTMENT,

12 Defendants,
13

NO: 2:18-CV-0238-TOR

ORDER DENYING LEAVE TO
PROCEED *IN FORMA PAUPERIS*
AND DISMISSING ACTION FOR
FAILURE TO PAY FILING FEE

14 By Order filed September 7, 2018, the Court directed Plaintiff, a *pro se*
15 prisoner at the Airway Heights Corrections Center, to show cause why his
16 application to proceed *in forma pauperis* should not be denied under 28 U.S.C. §
17 1915(g). ECF No. 7. In the alternative, Plaintiff was granted the opportunity to pay
18 the \$400.00 fee (\$350.00 filing fee, plus \$50.00 administrative fee), to commence
19 this action.
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ORDER DENYING LEAVE TO PROCEED *IN FORMA PAUPERIS* AND
DISMISSING ACTION FOR FAILURE TO PAY FILING FEE -- 1

1 On September 11, 2018, Plaintiff submitted a Response, ECF No. 8. He does
2 not refute the Court's finding that he has three or more "strikes" under 28 U.S.C. §
3 1915(g). Rather, Plaintiff asks that he be allowed to proceed with this case because
4 the actions of Defendants at the Spokane County Jail have resulted in irregular
5 heartbeats and fainting spells due to low blood pressure.

6 These assertions are insufficient to demonstrate that Plaintiff was under
7 imminent danger of serious physical injury on July 27, 2018, when he submitted his
8 complaint to the Court. ECF No. 1. Consequently, he has failed to overcome the
9 preclusive effects of 28 U.S.C. § 1915(g). *See Andrews v. Cervantes*, 493 F.3d 1047,
10 1055-56 (9th Cir. 2007) (discussing imminent danger exception to three-strikes
11 rule).

12 Therefore, **IT IS ORDERED:**

13 1. Plaintiff's application to proceed *in forma pauperis* is **DENIED**.

14 2. This action is **DISMISSED** for failure to pay the filing fee as required
15 by 28 U.S.C. § 1914.

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1 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
2 enter judgment, forward a copy to Plaintiff and close the file. The Court certifies
3 any appeal of this dismissal would not be taken in good faith.

4 **DATED** October 10, 2018.




THOMAS O. RICE
Chief United States District Judge